

954 WRIT PETITION NO. 10376 OF 2025

VERSUS

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Mr. S.P. Sonpawale – AGP for Respondents, State

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DATE : 20.08.2025

1. In both the petitions, the petitioners take exception to the common order dated 27.06.2025 passed by respondent No.2 – Scrutiny Committee, thereby invalidating their ‘Koli Mahadev’ Scheduled Tribe claim.

2. Issue notice to the respondents. The learned A.G.P. waives service of notice on behalf of both the respondents.

3. Considering the urgency, the matter is taken up for final disposal at

the motion stage. Heard both sides at length.

4. Having regard to the rival submissions canvassed on behalf of both sides, we have perused the petitions' paper books. Needless to say that, the petitioners are aspiring students of a professional medical course and they require a tribe validity certificate for the purpose of admission.

5. On the face of record, it appears that respondent No.2 – Scrutiny Committee granted Koli Mahadev Scheduled Tribe Certificates in favour of the following paternal blood relatives of the petitioners in Writ Petition NO.10376 of 2025, as under :

Sr. No.	Name of Validity Holder	Date of Validity	Relation with Petitioner
1.	Supriya Gangadhar Limbore	19.07.2008	Cousin Sister
2.	Madhav Piraji Limbore	11.05.2009	Cousin Brother
3.	Laxmikant Piraji Limbore	20.09.2010	Cousin Brother
4.	Sourabh Gangadhar Limbore	27.06.2011	Cousin Brother

6. As per the genealogical tree in Writ Petition No. 10378 of 2025, Rama is the grandson of Lakhmaji. Bhujanga and Nagoba are the children of Rama. Ram and Laxman are the sons of Bhujanga. Piraji, Gangadhar and Shankar are the sons of Nagoba. Kartik (Petitioner in W.P. 10376 of 2025) and Rutik are the sons of Laxman. Sunil, Neeta, Nikita, Sunita and Anil are the children of Ram. Laxmikant and Madhav are the sons of Piraji. Sourabh, Supriya and Sakshi are the children of Gangadhar. Anuradha, Meenakshi, Pooja, Vaishnavi and Ganesh (Petitioner in Writ

Petition No. 10378 of 2025) are the children of Shankar.

7. On the face of record, it appears that on 03.08.2018, a Division Bench of this Court passed an order in Writ Petition No. 8936 of 2018 (**Rashmi Piraji Amberao and Anr. Vs. The State of Maharashtra and Ors.**) and directed respondent No.2 to issue a conditional Koli Mahadev Scheduled Tribe Validity Certificates in favour of the petitioners therein.

8. The respondent No. 2 – Scrutiny Committee has not denied the paternal blood relations between the present petitioners and the other validity holders. However, by the impugned order dated 27.06.2025, respondent No.2 – Scrutiny Committee held that the paternal blood relatives had obtained the Scheduled Tribe Certificates by suppressing material facts and on the basis of false information, and therefore, the validity holders were served with notices for revocation of their validities. However, it is not in dispute that the respondent No.2 – Scrutiny Committee has not invalidated or revoked the said validities issued in favour of paternal blood relatives of the petitioners.

9. Considering the law laid down in the cases of **Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti Vs. State of Maharashtra and Ors.**, reported in AIR 2023 SC 1657, **Shweta Balaji Isankar Vs. State of Maharashtra and Ors.**, reported in 2018 SCC Online Bom. 10341, **Apoorva Vinay Nichale Vs. Divisional Caste Certificate Scrutiny Committee No.1 and Ors.**, reported in 2010(6) Mh.L.J. 401, wherein it

has been held that when the biological father, biological siblings, biological uncle, etc., are granted validity certificates, a candidate so related to them cannot be deprived of a validity certificate, the present petitioners are entitled to be issued a validity certificate. However, the said validity shall be co-terminus with the decision in the matter which the Committee may decide to reopen.

10. Learned Counsel appearing for the petitioners submitted that the blood relatives, namely, Madhav and Piraji, have been served with notices for revocation of their validities. It is submitted that the said blood relatives of the petitioners are voluntarily ready and willing to execute undertakings before the respondent No.2 – Scrutiny Committee, undertakings to cooperate in the decision regarding revocation of their validities. In these circumstances, it would be just and proper to direct Madhav and Piraji to file separate undertakings before respondent No.2 – Scrutiny Committee, within a period of one week from today, stating that they will cooperate with the said Committee in respect of the invalidation of the tribe proceedings.

11. Since the petitioners appear to be aspiring candidates for admission to professional medical courses and they intend to secure admission under the Scheduled Tribe (ST) reserved category, they are directed to furnish undertakings that, in the event their claims are invalidated by respondent No. 2 – Scrutiny Committee, they shall pay the tuition and

admission fees applicable to a candidate from the open category, and no equity shall lie in their favour.

12. In view of the above discussion, the present petitions deserves to be partly allowed and the impugned common order dated 27.06.2025 passed by the respondent No.2 – Scrutiny Committee needs to be quashed and set aside. Accordingly, we proceed to pass the following order :

ORDER

- i. The writ petitions are partly allowed.
- ii. The impugned common order dated 27.06.2025 passed by the respondent No.2 – Scrutiny Committee is hereby quashed and set aside.
- iii. Respondent No.2 – Scrutiny Committee shall immediately issue ‘Koli Mahadev’ Scheduled Tribe validity certificate in favour of the petitioners, which shall be subject to the following conditions :
 - (a) The caste validity certificates shall be subject to the outcome of the re-verification of the validity certificates of their blood relatives, as proposed by the Scrutiny Committee.
 - (b) The petitioners shall furnish undertakings before the Registrar (Judicial) of this Court, as well as before respondent No.2 – Scrutiny Committee and the

Educational Institution with which they seeks admission for a professional medical course, stating that in the event their caste validity is revoked, they shall deposit the tuition fees and other charges applicable to candidates from the open category.

(c) The petitioners shall not claim any equity.

(d) The petitioners shall cooperate with the Scrutiny Committee.

iv. Madhav and Piraji, who are blood relatives of the petitioners, shall furnish undertakings before respondent No.2 – Scrutiny Committee within a period of one week from today, stating that they will cooperate and appear before the Scrutiny Committee as and when called upon.

v. The writ petitions are disposed of. Pending applications, if any, also stand disposed of.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)